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who was reputed to possess strong and deadly magic had threatened his life; a family head in Kutigi that his family was too highly taxed; a man in Pichi that a neighbour had beaten his goat (which the other man had found eating his grain): these are some of the cases which a village chief and his elders may daily be called upon to decide. 627

The procedure is nearly always the same. The various news, requests, or complaints are communicated at once to the chief, directly, if the supplicant or bearer of the news has the chief's ear, that is, is himself a titled elder, and indirectly, through the family head or the *efutsó* (head) of the *efu* in which he lives, if the bearer of the news is an ordinary peasant. Upon receiving the news the chief will summon the head *nūsa* (the *Sheshi* in Mokwa, the *Lile* in Doko, the *Ndeji* in other villages), and he in turn will call together the other members of the council whose co-operation is required: two or three of the senior elders—the members of the 'inner council'—and always the *nūsa* to whose kinship group or *efu* the litigant or supplicant belongs. Not only does this *nūsa* act, as we have seen, as the official informant of the chief on all matters concerning his group and locality, but his intimacy with the people whose case is to be heard, and his moral influence, make him an important witness and, when a decision has been reached, a guarantor of its execution. Before this tribunal, then, supplicants and litigants in the village appear. The discussion that ensues is informal, and devoid of the stiff procedure that characterizes, for example, the Native Court. Supplicant or plaintiff state their case in a few sentences—the Nupe are not fond of long speeches and elaborate expositions. Obscurities in the statement are unravelled in patient cross-examination, in which everyone present can take part. Then, at one point, the chief or a *nūsa* may suggest a solution, which may be agreed to by the others with the stereotyped expression *u ge*, 'it is well', or revised in renewed discussion. Very rarely do tempers flare up and the discussions become heated. The final decision of the chief and his council is pressed home in the form of advice, persuasion, warning. A discussion of this kind rarely lasts longer than two or three hours, after which time it will be interrupted to be resumed on a following day. Mostly one or two sessions suffice to arrive at the final decision.

But then, in more difficult cases, in which many witnesses have to be called and thorny problems of arbitration settled, the decision is taken out of the hands of the village executive. For the chief is not entitled to dispense formal justice and to enforce arbitration. He must send all legal cases to the professional Mohammedan judge (*Alkali*) of the district; moreover, litigants who are dissatisfied with the chief's decision may themselves bring their case before the professional judge or the District Head (a point to which we shall return later). This limitation of village jurisdiction makes it impossible to pronounce in more detail on the efficiency of the village council and the way in which it handles, or could handle, more severe conflicts. The gamut of advice, persuasion, and warning is the only one which it can use: the more strident notes of authoritative orders and severe reprimands are outside its scale. 692 627

That they, too, have a rightful existence in the administration of village affairs is shown in the organization, by chief and elders, of all concerted 651 621

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activity that exists in the village: common labour and communal ceremonies and sacrifices, fights and wars in pre-European times, and tax-collection for the modern Native Administration. Tax-collection in the village has become a little ritual of its own, interesting enough to be described here. Some time before the N.A. lorry is expected from Bida on its periodical tax-collecting visits you will find the chief sitting in his house, or in a booth in the market, surrounded by the people who have come to pay their tax. The two or three head *nūsaši* will sit with him. The 'tax Mallam', who is attached to the Village Head as scribe and 'accountant', makes entries in his little book and is busy writing out tax receipts. Little heaps of coins pile up before them. On this day the normal routine of village life is interrupted: the men do not go to their farms and often forgo their midday meal at home, and even a ceremony that might fall in that time will be postponed until the 'tax ritual' has been concluded.

A large proportion of co-operative village work is done to-day by the order of the N.A.: the repair of a rest-house, the clearing of a motor-road, &c. But the concerted action of the village community is still as efficient in spontaneous, unsolicited work. I have seen the men of a village repairing a bush bridge leading to their farms a day or two after the news that it had been swept away by floods was reported to the chief. And although there exists to-day an efficient body of N.A. police, in an emergency it falls frequently enough to the people of a village to organize the pursuit of a criminal and to escort him to the District Head—a task which the young men at least undertake with efficiency and relish.

BALANCE OF POWER

To repeat: the village elders are the mouthpiece and the agents of the chief, through whom his orders reach the community; and they are also, in turn, the informants on whom the chief depends, and the mouthpiece of the people whom they represent both in their official capacity and as heads of kinship and local groups. Again we may call the chief a symbol of the collective identity of the village community, in the sense that, through his orders, he expresses its collective will and interests. Yet the degree of perfection which this political system, with its well-planned harmonious co-operation between chief and elders, attains in practice varies considerably. Autocratically inclined chiefs find means to evade the check on their power which an efficient council of elders implies. We have spoken of certain chiefs who appointed their friends and favourites to the position of titled elders in disregard of more legitimate claims, thus creating for themselves a personal following in the village council. I was told of chiefs who in the past have overridden the authority of the elders, levying tribute and refusing legitimate grants of land, until the elders appealed to the overlord of the country, the *Etsu* Nupe, against their overbearing ruler. If they failed to obtain the support of the king, my informants added, they would carry on as if there were no chief—go on strike, as it were. I have myself witnessed all variations possible in this fight for balance of power: an autocratic chief who

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seemed to have managed perfectly to turn his elders into mere puppets; a chief (the chief of Doko) whose overbearing behaviour caused a *tunga* group to refuse him the customary 'tithe' of fish caught in a pond on their territory; and also a chief who had tried, in the appointment of a rank-holder, to go against the majority of his council, but was brought to heel by the organized 'strike' of the elders: this happened in Kutigi, where, during the great Mohammedan festivals, the elders declined to attend the traditional ceremonial gathering in the chief's house until he gave in rather than prolong this assault on his prestige. That this religious 'strike' concerns a Mohammedan ceremony is incidental. Refusal to co-operate in established ceremonial activities may well check a chief's high-handedness (though I have not seen another case of this kind): the congregation is as indispensable as the 'owner' of a special magic and the chief organizer and 'financier' of communal rites.

Into the problem of political balance enters yet another factor—the economic aspect of chieftainship. The ability of the chief to free himself from all checks on his authority may depend ultimately on the economic resources of which he can avail himself—of the economic resources, that is, allowed him by the village constitution. (We may leave out of account for a moment the existence of the supreme control of village chieftainship by the overlord of the country.) Having to appoint the heads of family groups to the position of village elders, the chief cannot eliminate completely these agents of 'public opinion'. But decisive economic superiority may spell political power uncontrolled—the ability to win over, bribe, or force opponents into submission.

The political power of the chief is sustained by a number of important economic privileges. First, the chief receives (or rather used to receive) a land-tax in kind, known by the Arabic-Hausa name *dzankd*, 'tithe', from every family head. He also receives a certain gift in kind, or sometimes money, when allotting land to new tenants. The nature of this payment as a gift and not as a regular tax is expressed in the rule that on its receipt the chief has to make the usual small return gift with which the Nupe always dismiss a bearer of presents. A special right to fruit-bearing trees assigns to the chief a source of income not available to other members of the community. The communal farm-work, *egbe*, which the Nupe farmers carry out for one another is always performed first, and on the largest scale, on the chief's farms, so that he can count regularly on a larger and more docile team of workers than any other citizen of the village. Finally, the chief has special rights to the fish caught in the ponds or backwaters in his territory, and to certain game killed by the hunters of his village. As regards the former, he again claims *dzankd*, tithe, of every catch; hunters have to surrender to him the skins of leopards or lions, or meat of leopard and lion, or one leg of a buffalo—here the rules vary locally.

Some of these prerogatives have disappeared to-day. The general money tax of the Emirate has replaced the former land fees and tithes. Besides, the chiefs of larger places, official Village Heads under the N.A., receive a fixed salary. Only in a few small villages the annual gift in kind has survived, though reduced in amount and only in the nature of a

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voluntary present. It is, I was told, only the 'old men who are still doing it'. The value of the right to communal farm-work has also lost its former importance. A number of salaried Village Heads have abandoned almost completely their former agricultural work, being too busy with their official duties. One village chief, who is District Head at the same time (in Kacha), has found it impossible to spare even his sons and brothers for farm-work, needing them as messengers and the like. Instead, he has adopted the most recent innovation in Nupe economics, and engages wage-labour to work his land. The chiefs of small villages, however, who draw no wages, and have been given no official position under the N.A., have lost the most important of the old economic prerogatives—unless their people voluntarily continue the old practice—without benefiting from the new. Only the right to special fruit-bearing trees, game, and fishing has survived everywhere without change. It is not surprising, therefore, that the old term *Žitsu* is more and more losing its splendour, overshadowed by the matter-of-fact term *Etsu Nyenkpa*, Money or Tax Chief. And often the small chiefs, who have been passed over in the political reorganization of the Emirate,[1] tell you that to-day there is little difference between chief and commoners.

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How far did the former economic prerogatives in reality establish a definite, unassailable economic superiority of the chief? The approach to this question must be through the comparison between traditional income and expenditure of chief and elders respectively. Here we see that some of the economic prerogatives of the chief are shared (though in lesser degree) by the other family heads and titled elders. The *nùsaži*, like the chief, have a right to the possession of fruit-bearing trees; they too can avail themselves of communal farm-work—though only after the chief. And if they have a large family, many sons and younger brothers helping in the farm-work, their normal income may not be very much lower than the chief's. Of the economic prerogatives of the chief only the land-tithe (or its modern counterpart, the chief's salary) and the game and fishing rights are exclusive to his official position. The game rights contribute mainly to the symbols of chieftain status—the possession of a leopard or lion skin, allowed only to the chief. The additional capital resources vested in chieftainship—additional in the sense that they are unavailable to ordinary family heads—were thus derived in the main from the tithe.[2] I have calculated that the annual land-tithe of a village the size of Doko would amount to about seventy bundles of corn—twice the annual yield upon which an average peasant household could reckon.[3] Now, on this evidence we are justified in saying that the

[1] See p. 52.

[2] Certain other irregular forms of income it is impossible to estimate to-day: occasional land fees from new tenants, fines or gifts from parties between whom the chief was arbitrating. Moreover, certain chiefs received a small share of the tax money they levied for the *Etsu* Nupe (see p. 116); but this last income, derived from the kingdom, no longer reflects the village system as such.

[3] There is a certain margin of error in this calculation. The constant extension and subdivision of Nupe family groups and households make it impossible to define with any precision the size of the households originally responsible for the payment of the tithe. I have taken an average of the larger groups, such as are

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565 554 693 laws or special judicial practices. Of this aspect of their activity we shall hear more at a later stage. But one point (already mentioned) must be stressed here. The office of *Liman* and *Alkali* could become hereditary; many judges and Mohammedan scholars are of Fulani stock; but this reflects only the political influence and partly also the tradition of learning in these families. As representatives of Mohammedan scholarship *Liman* and *Alkali* are only the most exalted exponents of a professional class which comprises men of every status and birth—the Mallams, 'learned men', who are held in high esteem by everyone. Even without rank or title, when of little and insignificant learning, they are placed above the ordinary commoner. They may marry the daughters and sisters of the high-born. The *Etsu* himself, descendant of a Mallam, puts a 'Mallam' before his name. Like his ancestors he honours and receives at his court all Mallams of reputation. They are a class between the classes, a mobile, privileged intelligentsia.

565 554 467 The description of the hierarchy of Nupe kingdom is incomplete without the mention of a last group of minor rank-holders, composed of the heads of the Bida craft-guilds. The guilds are closed occupational groups, the members of which live together in one locality and practise certain hereditary crafts such as glass-making, brasswork, weaving, &c.[1] The guild-heads receive their titles, together with the usual gift of a turban, from the *Etsu*. Though low down in the scale of ranks, they have yet an official standing, and are raised above the ordinary commoner and peasant. Their headship implies authority over all the members of their craft in town and village. Formerly the guild-heads received a small annual tribute of products of their craft from their fellow craftsmen. Like the members of the nobility, the titled guild-heads are summoned to the *Etsu*'s Council at the *Sallah*, the great Mohammedan festival; and, like the privileged nobility, they are exempted from taxation. Their only tribute takes the form of an annual gift—an *emisā*, or 'salute'—again of products of their craft, the cost of which is borne jointly by the whole guild, and which is presented to the *Etsu* at the *Sallah*.

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Certain craft-guilds are linked with the dynastic division of the capital and are divided into three sections each of which resides in a different *ekpā*. The groups of craftsmen also bear more special allegiance to the royal house in whose *ekpā* they live and with the ancestor of which they associate their coming to Bida and the foundation of their guild. But over and above this party allegiance guilds and guild-sections are closely linked with the ruling king of Nupe. For the king and the court represent the most important customers of the Bida craftsmen. All orders which the court intends to place are given through the guild-head, who guarantees their execution and acts as an official 'controller' of his group of craftsmen.

A position similar to that held by the guild-heads is also assigned to the head of the Bida brokers, the *Etsu Dilali*, who again plays the part of an agent of the king in all matters concerning commerce and trade in the capital.

[1] The organization of the Bida craft-guilds will be described in more detail in Chapter xiv.

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CHAPTER VIII

POLITICAL HISTORY OF NUPE KINGDOM

(*continued*)

THE FEUDAL STATE

WE have seen how in the history of the kingdom a certain territorial nucleus evolved, an area of 'Nupe proper'. This concept of a territorial 'nucleus' also forms the basis of the division of the country for the purpose of government. For the purposes of political, judicial, and tax administration the kingdom was divided into four zones. First, the area of the conquered tributary countries outside the boundaries of the 'kingdom proper', in Nupe terminology, the countries of the *zaži kati*, the 'Outside Peoples'. Second, within these boundaries, an innermost core, the countries of Beni and Kyedye; having formed the nucleus of the rising kingdom they are now assigned the privileged position of royal domains. The third zone comprised the wider 'ring' of remaining towns and districts of the kingdom, most of which lie in Trans-Kaduna. Bida town, the seat of the central government, formed an administrative district of its own.

Under the name of Outside Peoples were comprised the conquered territories of Gbari, Gbira, Kamberi, Kakanda, Yagba, Bunu, and certain sections of Nupe (Dibo and Ebe mostly). These districts were not administered fully by the central government. Their political dependence entailed two things: an annual tribute to Bida, and the recognition by other Emirates and chieftainships of the political status of these territories as 'under the protection' of Bida. It was a one-sided 'protection': Bida itself was free to raid her own outside peoples, but no other country could do this or levy taxes in these territories with impunity. The guarantor of these 'treaties' was, in the last instance, the Emir of Gwandu, the highest feudal overlord of all Fulani Emirs in this part of the world.[1] The central government in Bida did not assume jurisdiction over these countries, nor did it interfere in their own political administration. The tribute was paid in slaves and was collected annually by royal messengers, *tuci*, or as they were also called *ajele* (from the Arabic *ajala*, to dispatch), who visited these countries at the head of small armies, ready to quell any disturbance or to bring recalcitrant taxpayers to heel. Of the tribute levied a little more than half went to the king, the rest to the royal messenger. The office of tax-collector in the outside areas of the kingdom was entrusted mostly to the royal nobility, and the districts over which they were put in charge were linked with

[1] Such an 'international' agreement existed, for example, between the *Etsu* Nupe, the *Sarkin Sudan* (the Emir of Kontagora), and the Emir of Zaria with respect to Gbari country. These treaties were not always kept by the parties concerned. Thus the *Etsu* of Agaie used to raid the territories of his brother Emir, the *Etsu* Nupe, and had eventually to be stopped by a big war which was led by the Emir of Gwandu himself.

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certain ranks. Thus *Edukpā*, the Countries beyond the Niger, were always the province of the *Nágya*, the country of the Kamberi of the *Kusódu*, of the Gbari of the *Etsu Gbari*, of the Yagba of the *Makū*, and so on. Political influence, however, could alter the rule, and a rich district would sometimes go to the more powerful royal prince irrespective of his rank. Thus *Etsu* Maliki, to win over the powerful *Kpotū* Abubakari (who became *Etsu* after Maliki's death) transferred the rich fief of *Edukpā* from the *Nágya* to him. Power and the possession of a strong private army was essential for the post of an *ajele*. An *ajele* who failed in his task was dismissed from rank and office and replaced by a 'stronger' man.

It is no accident that the two royal domains of Nupe kingdom were the two political organizations which embraced the whole tribe, the two small 'states within the State', Beni and Kyedye. The political unification which they had evolved was recognized and utilized by the political administration of the kingdom. These areas were placed directly under the king. The chiefs of Beni and Kyedye acted somewhat as royal agents. Their appointment and succession was subject to the confirmation of the king, and a gift of sandals, a gown, and a turban which he presented to the new *Žitsu* symbolized, as we have seen, the fact that the local chief held his office 'by the grace of the king'. The town-kings of Beni and the *Kuta* of the Kyedye administered law in all cases which came under the category of *gyara*, 'reparation', and were required to refer graver cases, cases involving *sheri'a*, 'judgement', to the central authority—a point to which we shall return later. The town-kings also collected the tax in their areas on behalf of the king. This tax, *edu*, levied in these areas as in the whole kingdom, was in money, thus differing from the *dzankά*, the local tithe in kind. The tax was collected first by the head chief of the district, i.e. the *Kuta* among the Kyedye, and the town-king of Tafiĕ and (in Fulani times) Bida among the Beni, who placed the money into the hands of the royal tax-collectors appointed for these two royal domains. Of the tax levied in the domains the *Etsu* received two-thirds, the royal tax-collectors and the head chiefs of the two districts sharing between them the remaining third. In the time of *Etsu* Masaba, however, the *Etsu* took all and the town-king of Bida, in order to obtain his share, levied an additional tax of his own. The total tax paid by a Beni village in Fulani times is said to have amounted to £2 under *Etsu* Masaba and £3 under Umaru Majigi; later, under the greedy Maliki, it rose higher and higher till *u de iyaka à*, 'there was no limit'.[1]

The rest of Nupe kingdom was divided up into smaller and larger

[1] The Bororó Fulani who came regularly to Nupe with their cattle formed another such royal domain with respect to taxation. The organization of this nomadic group evidently lent itself to no other method of administration. Their tax was collected by their own group head, the *Diko*, and then handed over to the royal tax-collector, who was known as *ègba Bororó* (Delegate to the Bororó). He was himself a Fulani, who lived—and is still living—in Bida. When the *Etsu* Nupe recently wanted to buy cattle for his new experimental farms he arranged the deal through the man who used to be *ègba Bororó*, making use of the old connexion for the new purpose.

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The rest of Nupe Kingdom was divided up into smaller and larger

'countries' comprising each a town with its dependent villages and *tunga* which were administered as fiefs through feudal lords or *egba*. The *egba*—a member of the royal house or of the office nobility, or a court slave—received the fief from the king together with his rank with which the fief remained permanently linked. Mokwa was known as the town of the *Shaba*, Eggã as the town of the *Ndeji*, Kutigi and Enagi belonged to the *Ndatwaki*, and so on. Promotion to a higher rank brought with it appointment to another, more lucrative, fief. The feudal lord himself lived in the capital and rarely visited his possession. The local affairs, the collection of tax, were in charge of his representative, one of his slaves or serfs who was residing on his lands as *egbagi*, Small Delegate. Of the tax collected in these fiefs, again a money tax, a quarter went to the king and three-quarters were retained by the *egba*, who returned a small share to his *egbagi*, salary and commission in one. Sometimes the towns or districts also paid an additional tribute in kind both to *Etsu* and *egba*. I have been able to collect some data about the tax levied in these areas. The uniform information which I obtained from different sources leads me to believe that the facts are substantially correct. The town Kutigi, according to my informants, paid under *Etsu* Umaru a money tax of 20,000 cowries (about 10*s*.) to the *Etsu* through the *egba*; to the *egba* himself 10,000 cowries (5*s*.) and to the *egbagi* 5,000 cowries (2*s*. 6*d*.). In addition to this, the people of Kutigi sent the *Etsu* 20 mats of the kind which has made Kutigi the centre of a famous mat industry, worth over £1, 4 bundles of corn worth about 7*s*. 'for the king's horses', and 10 mats and 1 bundle of corn to the *egba*. In modern money, the total tax of the town which at that time had eight *efu* and a population of perhaps 500, amounted to between £2 and £3.[1]

The feudal lord in Bida was responsible to the king for law and order in his district. The appointment of the village chief was, again, subject to royal confirmation. The overlordship of the king also implied the right of appeal of the villagers to the king against oppression or injustice from their feudal lord.[2] Lastly, the *egbagi*, together with the village chief, administered justice in the smaller cases and sent all bigger cases to Bida, where the *egba* himself would plead the case of his tenants before the court of *Etsu* and *Alkali*.

A variety of the fiefs just discussed were bestowed on individuals, relatives, courtiers, or favourites of the king, as personal fiefs, independent of rank and office. Even women could hold fiefs of this kind. These fiefs were sometimes hereditary and sometimes reclaimed by the king after the death of the holder. They were very small, single towns or villages, but one person could hold two or more such fiefs—which, however, were never adjacent lest the power in the hands of one person

[1] Oldfield reports that in 1832-4 (i.e. under *Etsu* Usman) Eggã, one of the largest towns of Nupe at that time, paid an annual tax of 120,000 cowries, that is, about £3 (Laird and Oldfield, op. cit., ii, p. 39). This fits in very well with the data I obtained.

[2] The people of Mokwa once availed themselves of this right to lodge a complaint against their feudal lord. When I asked my informants what the result had been, they shrugged their shoulders and said: 'The *Etsu* promised to help us; but does one Fulani go against another Fulani?'

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631 (51 554 became too great. The towns or villages which were granted as such personal fiefs could lie anywhere within the boundary of the kingdom, on the royal domains as well as in the areas held as office fiefs by *egba*. The personal fiefs involved no legal or administrative authority, only the authority of levying an additional tax called *edugi* (small tax) over and above the royal tax, *edukó* (big tax), after the latter had been collected. There was no limitation to this additional tax, which must often have exploited the peasants ruthlessly. Yet I have also seen close personal attachment between villages and their lord still existing to-day, bearing witness to the existence of more friendly ties between feudal lord and tenants.

631 554 It is clearly impossible to state in more detail how this administrative system worked, and especially how far the administrative and judicial authority of the feudal delegate worked in harmony with the existing traditional authority vested in village chief and elders. Later on, I shall give more data about the working of this legal machinery. But it is easy to understand that the powerful feudal lord and his delegate could uphold political and legal authority by the very fact of their power and influence. They could, for example, secure redress or punishment where the village chief's limited power might be too weak to enforce judgement or arbitration. But this intervention might easily distort justice rather than further it. As aliens, never linked permanently with the people over whom they rule, the fief-holders were bad guardians of tribal law and traditional justice. This, in fact, reflects the fundamental conflict involved in the system of feudal administration. The feudal lords were officially responsible for the well-being of their subjects; they were agents of a central authority which was vitally interested in the maintenance of peace and order; they themselves, like their royal master, depended on the people of the fief for tax, supply of food, and supply of men for their armies and wars. But the connexion of fief with rank, involving as it did a change of the fief with every promotion, did not allow the mutual attachment between the feudal lord and his subjects to grow really strong and permanent—too strong and permanent for the safety of the king and the unity of the state. To balance the danger that might arise from a too firmly entrenched feudal lord, the kingdom had to risk the other danger of maladministration and discontent among the people on the fiefs.

642 631 This policy of preserving the balance of power between dynastic and feudal interests which had to be re-established and readjusted with every change of régime is reflected in the many changes which the administration of the kingdom has undergone in the hundred years of Fulani rule. *Etsu* Masaba, intent on building up an enormous dynastic power, divided the whole of Beni and Kusopa country, town for town, among his sons and daughters and other followers as personal fiefs. There was no place in the kingdom, the Nupe say, which had not its private 'owner'. The Nupe nicknamed this generous king *ndă na ma gā na*, Father of Distributing. *Etsu* Umaru, who succeeded him, adopted the opposite policy in order to win the support of the native tribes against the feudal lords who had supported his predecessor. He abolished all private fiefs in

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Beni and re-established the integrity of the Beni confederacy in the form of a royal domain. *Etsu* Maliki, levying tax upon tax on a country depleted by civil war, and having to defend a weakened kingdom both against powerful feudal lords and a restive population, invented a new system of government: he now applied the *ajele* system which was formerly restricted to the Outside Peoples to the kingdom itself. He divided the country into six large districts placed in charge of his delegates—trusted slaves, who, accompanying the fief-holders on their tax-collecting expeditions from fief to fief, collected the royal tax at the head of an armed force strong enough to cow into submission rebellious subjects as well as any too independent feudal lords.[1] When *Etsu* Abubakari came to the throne, he found all the wells of supply dried up. The taxing system of his predecessors had left nothing in the country that could be made into money—nothing except human beings. He started raiding his own provinces to find slaves for the market, breaking down the most fundamental distinction of political status, that between the citizens of the kingdom proper and the conquered *zaźi kati*. But, my informant added philosophically when he finished his sad story: 'A gown is dirty—you wash it; behold, the water is dirty—with what are you going to wash the water?'

In this ever-changing pattern of feudal administration the capital stands somewhat apart, being administered directly by the king and his officers of state. The threefold territorial and tribal division of the kingdom into an innermost core, a kingdom 'proper', and an outside area reappears on a smaller scale in the division of Bida and its population: here we have *ba nîn*, the Inner City, where the Beni of pre-Fulani Bida live; the Greater Bida, and finally the Strangers' Quarter, *lálemi*. But the order of status and prerogatives is not the same. Greater Bida included all the people who had come to Bida when it became the capital of the kingdom—the members of the ruling class, Fulani and Nupe nobility, with all their followers, hangers-on, with traders, Mallams, warriors, drummers. A privileged class here again, this group was free from all taxation, and this privilege also extended to all settlements which they founded, the *tunga* in the country, which were worked by their dependants, slaves, and serfs. The Nupe craft-guilds which had come with the Fulani rulers from the former capital of the kingdom, Rabá, were equally exempted from tax save for an annual 'salute' to the *Etsu*. To the people of *ba nîn* the people of Greater Bida, Fulani and Nupe alike, are 'strangers'. But in the kingdom they themselves, *kintsoźi*, Owners of the Land, were a group deprived of all privileges. They were taxed exactly as the other peasants in the country; and so also, by gate-tolls and market dues, which were collected by the king's police force, were all Nupe from the country who came to sell their goods in Bida market.

Finally, there are the strangers—'real' strangers—of whom this cosmopolitan capital was (and is) always full: people from Hausa and Bornu, Arabs from the Sudan and Tripoli, Yoruba from the south.

[1] These districts were: Cekpā (the country of Patigi), Gbakokpā (Badeggi and Kacha), Eggā, Beni, Kyedye, and Kusopa.

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They come to Bida as traders or itinerant artisans, some for a short period only, others to stay. The trading caravans from the north stop outside the town gate in the *zongu*, camp, reserved for them. There are three such *zongu* in Bida, each situated on the territory of one of the royal houses; the caravans must stop in the camp that belongs to the ruling house—another expression of that comprehensive dynastic division into three. The traders from the south, individual traders and the strangers who settle down in Bida for longer periods, perhaps permanently, live in *lálemi* under their own headmen, the *Sarkin Hausawa* (or *Madúgu*, as he was originally called) and the *Sarkin Yorubawa* (or *Asari*), the Chief of the Hausa and the Chief of the Yoruba. These two men are the recognized ward-heads of the aliens' quarter, and latterly have held an official position on the Bida Town Council. Strangers from the rich countries of north and south were always welcome in Nupe. They were treated with special consideration by the rulers of Bida, they paid no regular taxes, only comparatively small market dues, and they were looked after by their own headmen, who were appointed to watch the interests of their fellow countrymen, as, for instance, in all matters concerning financial transactions. This treatment of strangers contrasts curiously with the ruthless treatment of the native peasants. It reflects the vital part that trade played in this country, in the households of this society which depended for its existence on foreign markets where imported arms, horses, and all the paraphernalia of court life might be bought, and where the valuable commodities of the kingdom, embroidered gowns, beads, brass- and silverware, and slaves might be sold.

Cutting across this threefold division of Bida there exists another division, still more important for the life of the town: the division into small local units, factions rather than organized town wards, which form themselves more or less spontaneously round the houses of the powerful nobility. This is, in fact, how the Bida people refer to the different parts of the town; they call them by the title of the most prominent member of the nobility who has his house in that locality, *efu Ndeji*, or *efu Dzwoáfu*, *efu Sokyara*, and so forth. This link of locality is explained partly by the fact that powerful men tended to settle their henchmen, slaves, and serfs in their neighbourhood, and partly by the fact that the people of the locality were ready to acknowledge as their patron the member of the titled nobility, living in their midst, who at the time had the greatest influence, the man whose rank and power promised protection and support to those who rallied round him. But it is not the strong, permanent link of the kind we found in the Nupe village. Nor is there real continuity in this voluntary allegiance of a group of commoners to a noble patron. As the ranks change hands so the allegiance will change; every change on the political horizon may dissolve the local faction and reset the face of the town.

Just as these rank-holders are themselves dependent upon the favour of the king and the royal house, and as they group themselves in accordance with that tripartite dynastic division, so these small local factions are subordinated to the threefold arrangement. We remember the three *ekpã*, the three 'banks', on which Bida is built: the large number of *efu*,

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562 554 put it, the '*Sagi* of the poor'; what the royal princesses do for the women of the nobility the *Sonya* does for the women of her own class: she advises them and arbitrates in their quarrels, taking, however, the more serious cases to the *Sagi*. The *Sonya* might almost be called a female officer of state. All large-scale women's work that is done in Bida by order of the king is organized and supervised by her—for example, the beating of the floors in the houses of the king and the royal nobility. The [443] *Sonya* is, above all, entrusted with the supervision of the market. She is elected by the Bida women who are regular traders on the market, and her rank is confirmed by the *Etsu*. The respect and deference with which all Bida women greet their *Sonya* illustrates the importance of her position. Formerly she was a royal fief-holder on a small scale, holding land of her own; she was also allowed to levy a small due on all business [651] transacted on the market. Of this levy the *Sonya* returned one-third to the *Sagi* or *Nimwoye* as a symbol of her submission to the highest authority of these royal princesses over the women of Bida. To-day, the *Sonya* is still supervising the market and the work of the women. She has kept her status and her official position as well: for she has been made an official of the Native Administration and granted a small salary.

562 624 754 In every Nupe village, finally, we find a titled 'head of the women', called *Sagi*, like the royal princess in Bida. She is usually a woman about or over 50. She is elected by the married women of the village and her appointment is confirmed by the chief. In larger villages there may be a *Shaba Sagi* as well, an appointed successor to the headship of the women. The title *Sagi* itself seems to be of comparatively recent origin and was probably, like many other village titles, copied from the Bida rank system. The original title which it replaced was *Lelu*. This title, though no longer used, was explained to me in most villages to be the exact equivalent of the modern title *Sagi*. Yet this is not quite true: with the change in the title a subtle change in the significance of the rank has taken place. As I have described elsewhere, the Nupe chiefs used to bestow the rank *Lelu* on the woman who was believed to be the most powerful witch in the village. Her secret knowledge could thus be made to benefit the interests of the community. Turned into an organ of village administration, this woman could be used, in the opinion of the people, to check and control the subversive activities of the other witches.[1] With regard to witchcraft, then, the Nupe have adopted the proverbial policy of making a (reformed) criminal chief of police, or rather an imaginary criminal controller of an imaginary crime. Their belief in the efficiency of this measure has not changed. Yet the curtailed power of the present-day village chief, who is no longer free to act upon the advice of his female 'controller of witchcraft'; the general fear in the country, born of the experiences in the witchcraft trial in 1932, even so much as to mention the word witch or witchcraft; and in certain places also the growing importance of other more prosaic business for the head of the women, have all contributed to suppress the magical aspect

[1] See *Africa*, 1935, 4.

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ungwa (the same four *ungwa*), defined geographically as Bida North, South, East, and West. Four new officials were appointed who are no longer inhabitants of 'their' *ungwa* but are supposed to be jointly responsible for the whole town, irrespective of their personal connexions with one or the other locality. The Hausa and Yoruba communities of Bida, who live in *lálemi*, were placed under their own ward-heads. These six officials form the present Town Council. A royal prince, the *Natsu*, was appointed as its chairman, and at the same time as the representative of the *Etsu* on the Town Council. The attached sketch-map illustrates the changes in the town administration.

A certain inner weakness of this system becomes apparent at once. It lies in the disregard for the factor of locality and for those direct contacts and bonds of 'protection' and personal attachment which alone establish in Nupe a relationship of mutual confidence between the social classes, between ruler and ruled. It is not surprising therefore that the new division into four geographical areas 'did not work', and that in 1936, only three years after its introduction, a fundamental reorganization was contemplated.[1]

TAXATION

The taxation of the Emirate is fixed by the District Officer, who tours the country and, assisted by District Head and Village Head, assesses the income of the various villages and districts. The tax unit is the village area.[2] The distribution of the tax among the people of the village and its dependencies is left to the Village Head and his elders. Taxation varies partly from district to district and is also different in town and country. Complaints against too heavy taxation, or reports on defaulting, are forwarded through the District Head to the capital, that is, to the Emir's Council and the District Officer. Tax defaulters can be imprisoned.

Of the total tax revenue of the Emirate (to which are added fines, licence fees, &c.) 30 per cent. goes to the Central Government of Nigeria and 70 per cent. to the N.A. Treasury.[3] From the N.A. share in the revenue are paid the salaries of all (native) N.A. officials, the expenses of all Public Works for which the Emirate is responsible, the maintenance

[1] In a memorandum for the reorganization of the Bida Town Council, which I drew up on the request of the Administration, I have suggested (1) a town division based on the division into three *ekpā*, which is so eminently characteristic of the social life of the kingdom, and (2) a system of election of ward-heads by the people themselves. The latter would, in my view, utilize and render more valuable the channels of personal connexion between patron and client, trusted 'protector' and the ignorant, intimidated commoner who still feels that he could only benefit from the association with a man of rank and learning.—A paper on the same subject was published in abridged form in the *Summary of Lectures*, Oxford University Summer School on Colonial Administration, 1937, pp. 97–8. See also p. 123.

[2] Lord Lugard, Colonial Reports Misc., No. 40.

[3] This scale corresponds to the position of Bida Emirate as a First Class Emirate. In 1935–6 the scale was slightly altered in favour of the N.A. share, because the building of the *Etsu*'s new official residence—a typical item of N.A. expenditure—would not have been possible without this additional revenue.

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of N.A. Hospital and dispensaries, schools, experimental farms, &c. Part of it is used to build up and maintain a substantial reserve fund to be used for unforeseen expenses, in the case of a famine, and suchlike. The apportionment of the tax revenue, above all the allotment of funds for new enterprises, is subject to the joint approval of *Etsu* and District Officer. It is, in fact, in matters of this nature that the harmonious collaboration of the two men is often put to its most severe test.

The far-reaching social change that the introduction of modern taxation has meant for Nupe kingdom cannot be easily exaggerated. The universal taxation under British rule has completely overthrown the former prerogative of tax exemption enjoyed by the nobility and the population of the town. It is not surprising therefore that these people should still strongly resent this abolition of their privileges. But those who resent it most strongly are not the men 'on the top', but rather the people of inferior status, such as guild-heads and Bida craftsmen, who had not been recompensed as many of the others had been in the share-out of new, well-paid official posts. The old guild-head of the Bida woodworkers once quite violently insulted and attacked me, and with me all White Men, for having robbed him of his former status and privileges. 'Formerly', he shouted at me, 'the other craftsmen would come humbly to my house prostrating themselves before me and would present me with gifts to show their loyalty. To-day I have to pay the same tax as they—can you wonder that they have become arrogant and simply ignore me?' One would expect, then, that peasants and small craftsmen and traders would appreciate the equalizing effect of the present system. This is not wholly so—partly for reasons to be explained presently, but partly also because the change had done away with the former system of voluntary gifts on which so much of their social security used to depend. By these gifts they established a personal link with the men of rank and influence, on whose assistance they could count in many situations when such assistance was of utmost importance. These situations have not and perhaps never will disappear completely. It is not surprising that the people cannot yet fully appreciate the 'impersonality' of the modern system, nor realize fully that in return for their tax-money, paid to an 'impersonal' Administration, they receive things no less valuable than the former personal link with powerful individuals: public security, law courts, roads, hospitals, schools.

Taxation is the most sensitive spot in any governmental system. It is perhaps not to be wondered at that the administration of taxes proved the most dangerous stumbling-block on the path of the young N.A. Native official after official, often in the highest position, has lost his post, and even gone to prison, for embezzling tax-money or levying illicit dues. However, there are two more serious weaknesses inherent in the taxation system—more serious because affecting more deeply the inner structure of the society.

The first concerns the (in my view) disproportionately high taxes in the Emirate. Bida Emirate as it exists to-day is not a rich country, the masses of the people are not well off; the discussion on the economic system will bring ample evidence of this. Nupe country is in this respect

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651 much less fortunate than, for example, the neighbouring Emirate of Ilorin, a much richer country, yet paying lower taxes. One at least of the reasons for the high taxation in Bida Emirate appears to be the high cost of the N.A.[1] To compare it again with Ilorin: there, with a much higher revenue, the expenditure on the Emir's court and the salaries of the higher N.A. officials are almost the same as in Bida.[2] To understand how such a situation could have come about we must envisage the historical frame of mind with which a Government committed to the policy of Indirect Rule is often tempted to approach the problem of administration. Historically, Nupe Emirate was one of the most important Emirates in the north of Nigeria. Culturally it still is so. Politically, however, it has shrunk to a small country, shorn of many of its former dependencies (e.g. the whole south-west bank of the Niger with the rich rice-growing district of Patigi and the large town of Eggā). Long wars and longer political unrest have impeded its economic recovery. Yet it could hardly be made anything else but a First Class Emirate, and its ruler had to be given the corresponding status, weighing heavily though it does on the country's revenue.

The second weakness lies in the method of assessment. The tax in the more advanced areas of Nigeria is—in theory—an income tax. But how, one is tempted to ask, can any native District Head and group of Village Heads acquit themselves satisfactorily of such a formidable task of assessment? In Bida town, where District Officers themselves have computed incomes and taxes, the taxes are sadly out of proportion with the income (at least to-day, after the economic depression of 1932–4). In certain cases where property and capital are easily assessable some sort of rough approach to an income tax on a sliding scale is possible, e.g. among the Kyedye canoe-men where the amount of tax can be assessed in accordance with the number of canoes owned by an individual. But among the large majority of the people whose taxable income consists exclusively of farm products such a method must fail. The result is a qualified poll-tax assessing the tax per head of the population but admitting two or three different grades: the higher tax is paid by able-bodied married men roughly between the ages of 22 and 50, the lower by men younger and older than this. Children, women (unless they are independent traders), and old men or invalids who can no longer work are free from tax. Now, whereas the traditional productive unit among the Nupe peasants is embodied in the family, taxation takes into account only the individuals. At the time of my stay in the country the last tax-receipts made out for the whole family, to be paid by the family head—as one can imagine very large receipts—were disappearing rapidly, giving

[1] A British trader who knew the economic situation of the country intimately framed his impression in the following words: 'The overhead expenses of the N.A. are too high.' Bluntly expressed though it is, the statement is far from unsound.

[2] In Ilorin, with a revenue of £28,885, the salary of the Emir is £2,250, and the salaries of 17 District Heads amount to a total of £2,539 (an average of £149 per head). In Bida, the revenue of which is £18,161, the Emir's salary is £2,000, and the salaries of 7 District Heads amount to £1,110 (an average of £159 per head). *Nigerian N.A. Estimates*, 1936–7.

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way to the (much smaller) tax-receipts made out for individuals. It is, in fact, the present official policy of the Administration to encourage the issue and acceptance of individual tax-receipts throughout the country. Taxation thus ignores and even denies in its own powerful province the existence of the family unit—with what results we shall see later.

LAW

Let me try first to give a picture of the judicial system of Nupe kingdom as it existed in pre-European times. This is, naturally, an historical reconstruction. But the history to which it refers is not the history of a mythical past. It is a history well documented, and obtained from information which seems reliable and significant and which, collected from different sources, shows remarkable agreement on all main points. My chief informants were village elders and chiefs and the Mohammedan judges of Bida Emirate who, in charge of modern jurisdiction to-day, have witnessed and partly practised themselves the old system.

The theoretical difficulties with which the student of law in primitive cultures is faced are absent in our investigation. The problem, especially, whether to define the province of law on the narrow basis of systematic social control exercised by a politically organized society (Radcliffe-Brown) or, more comprehensively, as embracing all social sanctions that make for uniformity of conduct (Malinowski), is decided for us by the nature of the society which we are studying in the sense of the former essentially modern interpretation. Law in Nupe kingdom is quite conspicuously a concern of the political organization and forms part of the elaborate coercive machinery of the state. This does not mean that no sanctions or forms of redress exist which are applied outside the political framework and left to the more diffuse workings of public opinion and individual or group 'self-help'. But the scope of this non-political (or extra-political) law is extremely restricted. It comprises only two types of offences: religious offences—desecration of sacred objects or places, both Mohammedan and pagan—and kinship offences—litigation over inheritance, offences against traditional marriage rules (i.e. marriages in forbidden degrees), and also incest. I cannot describe here in detail the treatment which Nupe society meted out to individuals guilty of these offences. Suffice it to say that public ostracism which might force the culprit to self-exile or to confidence in his vindication by the deity was its main feature. The society thus exempted from its otherwise comprehensive scheme of formal political jurisdiction the two offences which were either of a nature transcending human justice (as in the case of religious offences, and also partly incest) or concerned only internal frictions in individual kinship groups. All offences that affected the relations between kinship groups or individuals from different kinship groups, and all crimes against human life, were regarded as a concern of the community at large.

But the comprehensiveness of political jurisdiction admitted of two degrees. Traditional Nupe law operated with a legal distinction which, corresponding in certain respects to the modern distinction between

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adult members. All these factors have in the course of time contributed to make the map of Nupe village land the irregular patchwork it is to-day.

At the beginning of this section I have mentioned the possibility that a family head may have to request additional land from the chief for a junior family member for whom he cannot find sufficient land on his own property. To-day, this is rarely put into practice, usually only in the extreme case when a whole section of the family, finding the available land near the village insufficient or too poor in quality, sets out to colonize a piece of virgin land and eventually to settle there as founders of a new *tunga*. In the normal case—especially in Trans-Kaduna—when land has to be found for an individual family member, the family head is as a rule expected to possess sufficient land to effect this readjustment. The family head, owning three to four different fields, each of about 4 acres, can, in fact, well afford it in a society with so low a birth-rate. The worst that may happen is that for a time the family head may have too much of his land lying fallow to be able to find additional land for the family member who desires a new farm. It is then that the method of 'borrowing' land is practised.

Let us consider now more closely the position of the chief with respect to the question of access to village land. Control over the land is part of his political authority. It is, as I called it, an administrative control only, and this is expressed in a balanced, twofold, limitation of the claims to land of chief and community, of the power of the chief to apportion or withhold land, and of the power of the family head to claim and keep land. As regards the former limitation, the chief cannot reasonably withhold land from any claimant of whom the other elders of the community approve. Nor is the chief's own farm-land out of proportion to that of any other family head with an equally large working-group at his command. As regards the latter limitation, the control which the chief retains over all reapportionment of village land is acknowledged whenever the main family land changes hands, that is, in the case of succession to the position and property of a family head.[1] The chief must be informed of all such changes, and in some parts of Nupe he summons at this occasion the family members with their new head and reminds them of their obligations towards each other: the family members, that they will now work on the land of the new family head, and the family head that he has now assumed the responsibility to feed and clothe his people and, some day, to supply them with land of their own. Sometimes a gift to the chief of one pail of whatever crop is just ripe seals the pact. The annual village tax in kind, *dzankú*, which, as we know, was formerly paid to the chief by every family head, is itself a land-tax, a recognition of the chief's control over the village land. It consisted in a gift of one to three bundles of millet or sorghum, the amount varying with the condition of the crop. A complete failure of the crop meant exemption from the *dzankú*. The *dzankú* was thus not regarded as a fixed tax, but rather as

[1] The succession to the position of family head being, in most cases, identical with the succession to a *nūsa* rank, the procedure described here holds good for both (see p. 50).

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albárka (lit. blessing), a gift meant to express the 'blessing' that lay on the land which the family received from the chief.

Another expression of the chief's control over the reapportionment of land is that all land of families or branches of families which have died out, and similarly the land of families who have emigrated, falls back to the common fund of land reserve administered by the chief. The period within which the land of emigrants still remains theirs is fixed everywhere in Nupe as three years. After that time the chief is entitled to reapportion the land. Should an heir from the emigrated group return after a longer period, he could (like any other stranger) claim land in the village, but not as a rule the same land that his family had held previously. The dying-out of a family, or a branch of a family, seems a fact not easy to establish and always open to doubts in a social system in which small sections repeatedly split off the main body of the family. There is always the chance of an unexpected or belated claimant turning up, representing a distant branch which chief and elders may no longer have reckoned as likely to identify itself with the original family. But this is mainly a theoretical speculation; there occur few such cases in Nupe —none in Trans-Kaduna, where land is plentiful and vacated plots unlikely to be much competed for.

In Cis-Kaduna I witnessed an interesting case of this kind. A family head in Doko had died, leaving a small boy, who was then adopted by a childless brother of the deceased, living in a *tunga* on a farm of his own. The boy grew up on this farm and lived there contentedly until recently, after more than twenty years, the chief reapportioned the apparently unclaimed land that had belonged to the boy's father to two elders of high rank, the *Lile* and *Shaba* (both of the chief's family). Not until then did the young man return to Doko and make a formal claim for his ancestral land. But political motives rather than economic interest were behind this move; the parties in this case were, again, the chief of Doko and young Ndakó Gana, the 'dispossessed' descendant of the line of original chiefs. The chief had reapportioned the land in order to blot out the last visible connexion between the 'pretender's' family and the chieftainship of Doko; and the young man disputed the reapportionment on these very grounds. In the end he received back some of the original land and other new land in addition.

Here we discover a new significance in the apportionment of village land—its connexion with the bestowal of rank or office. This is not surprising in the communities (such as Doko) where the village ranks, like the land, remain in the possession of one 'house'. Later, we shall see more clearly, in the discussion of inheritance, that the Nupe kinship system tends indeed to couple attainment of family headship (which goes with rank) with inheritance of ancestral land. Considering, however, that the ordinary village land does not differ widely in quality and productive value, we can understand that this political aspect of land ownership is rather obscure—save in a case such as the one just quoted where political aspirations have attached to a specific property more than its proper share of symbolic significance. The political aspect becomes more prominent in connexion with a natural resource that shows this

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423 621 however, to give them up as soon as the former owner or his heir may return, even if he had been absent for a longer period than three years—the period of absence stipulated in the village. I have heard of no dispute that has ever arisen over these house-plots, either in the village or in Bida town.

Strangers as Settlers

609 425 621 From the land which the chief holds in trust he apportions land on request to strangers who come to settle in a Nupe village and equally, as we have seen, to natives of the village who, through long absence, have forfeited the claim to their family land. The procedure is the same for both. It is interesting to examine these regulations, especially because this form of granting land implies a previous adoption of the applicant into a local household. Generally speaking, the Nupe like strangers—respectable strangers—to settle in their villages. This fact reflects both the lack of pressure on the land and the attitude of a commercially highly developed country which is ready to welcome new citizens, very likely people who bring with them new techniques and new valuable knowledge.[1]

The stranger who decides to settle in a Nupe village will first stop for some time in the house of a family head, perhaps a friend, or friend of a relation, who is ready to accept him as a temporary member of the household. Be it a short or prolonged stay, strangers will never be expected to [431] pay for their 'lodgings'. A small present of food or kola-nuts is the only compensation. The guest will keep his own *ménage*. But after a time he comes to be regarded as an adopted member of the house, and then it is time to make his request for land and a site for a house of his own. This request will always be done through the *emitsó*, the Owner of the House, who will bring the case of his guest to the notice of chief and elders. The *emitsó* will have to vouch for the character and reputation of the applicant—a bad reputation would invariably lead to a rejection of the application. The procedure (which varies slightly in different places) is [431] this: a preliminary gift, called *emisa*, 'salute', consisting of ten to twenty kola-nuts, a fowl, a calabash of beer, or—more rarely—money, accompanies the formal request to the chief. Another gift of kola-nuts is made later to the chief's representative (one of the elders), who will go with the applicant to stake out the farm-plot and the site for the house, and who 609 may become later an important witness if any dispute should arise. Now the new landowner sets to work. For two to three years he is exempted 621 from tax. Then, when the crops have been good, he pays his first 425 *dzankú*, not yet to the chief himself, but to the family head in whose 651

[1] We have mentioned evidence of this already, e.g. the Bornu settlers who [177] have introduced onion-growing into Kutigi, or the Yoruba-Konú who introduced weaving and indigo dyeing in Yoruba fashion. At the hearing of a court case—it was a rather involved dispute over a house in Kacha that had been 'sold' by the late owner in order to obtain money for tax arrears (the only case of this kind that has ever come to my notice), as a result of which his widow had now no place to go to—the *Etsu*'s Court officially recommended that 'strangers should always be adopted into one's household and given a hut to live in'.

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house he had been staying before, and the latter returns half of the gift to the chief. The next *dzankâ* will be the ordinary land-tax of every member of the village community, presented to the chief directly. Today the first part of the procedure has remained unchanged, except that the application (and sometimes the presents as well) may also be addressed to the District Head.[1] But the annual *dzankâ* is now replaced by the Government tax.

The grant of land to strangers never includes the trees growing on the farm-land. They remain the property of the village chief or the other native inhabitants, and this makes the analogy between strangers and adopted household members full: for like the strangers junior family members cannot own trees, although they hold land of their own.[2]

Access to Family Land

This question will be examined in detail later, and no more than a short summary is needed here. Three methods regulate the access of the individual member of the family group to the family land held jointly by the group and administered by the family head. (1) Temporary and restricted access to this land is embodied in the right of every male member, boys as well as adults, to a small plot of his own, which he can work independently. Such plots are called *bucá*, and the individual work on the plots is called *bucá* work. (2) Adult male members of the family group, who have already founded a family of their own, may claim a large farm of the kind that is worked jointly by a number of family members. This farm and farm-work is called *efakó*. (3) The fullest access to family land is embodied in inheritance and in the succession to the position of family head. This position implies control over all family land that the family head holds in his hands. The first two forms of access are 'family affairs' arranged without any formality; the last transaction implies, as we have seen, a formal reference to the chief. The chief's control over the occupied village land is thus made conspicuous not with respect to land that is apportioned on a small scale to individuals for direct use, but with respect to the land that is to be held in trust for future distribution by the new family head. The chief, in other words, as he is bound himself to trusteeship, guarantees the trusteeship undertaken by others. The analogy in the position of chief and family head with respect to land is clearly recognized by the Nupe. Both are heads of corporate groups, and both administrators of the joint rights vested in the groups. Both, moreover, hold the same special, economically significant, right to trees.

[1] I am not sure if this is really prescribed by the regulations. I know that in Agaie Emirate all peasants thought it was. In any case it would save a lot of trouble, should disputes arise later, if one had the District Head for a witness of the original transaction.

[2] This rule also holds good with respect to large groups of alien settlers. In Kutigi, for example, it led to the anomalous position that the Benu settlers, although they had become the political rulers of the community and supplied the chief of 'Greater Kutigi', owned no trees at all in the beginning, and still own very much less than the family heads of the *kintsoši*, the Owners of the Land, that is, the original inhabitants.

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241 463 the person who is destroying his abode. These big trees have a money-value, and are sold to the wood-cutters and carpenters, who use the timber in their own industry. On the whole the Nupe are reluctant to cut down big trees, especially in the town, for they appreciate the shade which they give. But it happens occasionally that the owner of a barren tree, in need of money, has it cut down and sells the timber to wood-cutters or carpenters.

185 In the interest of forest-preservation the felling of certain trees has been made subject to the payment of a licence fee varying in amount ● 651 from 5*s*. 6*d*. to £1 or more. This new rule involves an economic re-322 adjustment which the people—professional timber-workers as well as ordinary farmers—have not yet been able to achieve. The carpenters of Bida almost went on strike when the new licence was introduced, and refused to manufacture any more wooden stools and other products of their craft for fear of being unable to sell their goods for the higher price which the licence would necessitate. Another illustration is the case of [672] an old man, a carpenter, who, unaware of the new rule, had bought a barren locust-bean tree in Bida for felling, for 7*s*. 6*d*. When he was requested to pay the licence fee of 5*s*. 6*d*. he was unable to do so. His case came before the Bida Court, but in consideration of his poverty and age the court reduced the licence fee for him to 1*s*. 4*d*. It is too early yet to say what effect this licence will have on the Nupe wood-working industry: whether it will lead to a technical readjustment and a change in the kind of timber used, or to a gradual deterioration and eventual disappearance of the indigenous wood-carving technique, which is already feeling the competition of the cheaper, and infinitely uglier, products in Western style: packing-case chairs and tables, deck-chairs, and the like.[1]

[323 325 171] [1] It is to be feared that it will be this latter case with which Nupe wood-carving will meet. In other crafts these changes in material and partly style are already an accomplished fact: thus the Bida glass-workers have almost completely abandoned making their own glass, and make their bangles and beads of smelted down bottle glass of European manufacture; similarly the Nupe blacksmiths buy cheap sheet-iron at the trading stores, and no longer smelt their own iron ore.

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halving the costs of the festivity. In many essentially pagan villages Mohammedan burials are now becoming the fashion partly because, as I have reasons to believe, they are cheaper than the more elaborate pagan funeral feasts. Are then traditional customs such weak incentives, and regarded as of so little importance, that they are easily modified and even abandoned? Or shall we interpret this lack of appreciation as being due to an eminently reasonable attitude of the Nupe peasant? The answer is that the Nupe peasant or craftsman has little or no alternative choice. He is faced with two rigid, inescapable, demands which, between them, eliminate nearly all freedom of choice: one is maintenance of labour, involving food-supplies, clothing, and, to some extent at least, payment of bride-price for the labour-group on the co-operation of which the livelihood of the family depends; the other, even more rigid, demand is tax. The surrender of all these cultural wants is a result, not of 'reasonableness' or free choice, but essentially of external pressure.[1] That they still represent valid 'values', capable of determining social behaviour, is shown in that radical solution to secure their satisfaction individually if it proved impossible to secure them for the whole group, even at the risk of destroying the labour-unit.

The part played by tax in this failure of the Nupe household to adjust itself to the various cultural requirements was shown clearly in our analysis of the household budgets. We have seen that the balance could be maintained without difficulty only where a home industry (which, as we have seen, is carried out as individual work) could be relied on as a subsidiary means of the family income. Administrative Officers are well aware of this fact. Indeed, some are of the opinion that additional handicrafts or similar occupations, for example, work as temporary labourers, should be encouraged as a means of procuring money for tax without deranging the general scheme of household economy. Two Administrative Officers, of long experience, have pointed out to me that among the Hausa it is an established custom for young peasants to travel during the dry season and seek work of this kind, which would later enable them to pay their tax without difficulty. I am not qualified to discuss the fiscal implications of such a policy. But I may be allowed to point out its probable sociological and psychological effects, namely, that the encouragement of temporary labour of individuals must further, and indeed favour, that break-up of the labour- and family-unit the beginnings of which are already visible.

STANDARDS OF LIVING: STATUS AND PRESTIGE

We turn to the highest standard of living, that accepted by the upper classes of Nupe. Their needs and demands, the 'things they do' with their wealth, can again be grouped under the three headings which

[1] It must be said that certain Administrative Officers regard native festivities which fall in the time when tax is being collected as definitely conflicting with the prompt payment of tax. I have already mentioned (see p. 64) that in Bida Emirate all festivities (which, incidentally, happened to include certain harvest and fertility rites) were forbidden for a certain period until tax arrears had been paid.

423 larly bitter in Bida. In the area west of the Kaduna River, there was less appropriation and there is less pressure on land. Land tenure is on a traditional tribal or village basis; there is no severe competition for possession and land disputes are rare.

[562] Traditionally men only could hold land; acquisition by women is still com-
425 paratively rare and occurs only around Bida. Rights may be acquired in various ways:

(1) By a member of a non-land-owning family exercising his right as a member of the village community; land thus acquired is inalienable.

(2) By short-term lease from an individual land-holder for two to five years; this method is known as *aro* (" borrowing "); land thus acquired is also inalienable.

(3) By a member of a land-owning family exercising his claim, on his marriage, to part of the land held by the family.

(4) By a stranger adopted into the household, in the same manner as (3).

(5) By lease for an indefinite period, against payment plus rent in kind; this has now become tantamount to purchase.

(6) By hereditary tenantship; no rent is paid but a share in the produce is given.

(7) By " primary " tenantship; rights are ceded to another in recognition of services rendered, but the tenant must provide a share of the produce. If the primary tenant is not himself a farmer, as is often the case among members of the Nupe nobility, he will sub-let the land for a high initial fee and rent in kind.

423 Village land is held and apportioned by the chief. It is of three types:
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(1) Land in the hands of families or individuals, whether worked or fallow (*lati*).

(2) Vacant land which has reverted to the chief for future allotment (*gonta*).

(3) The fringe of " reserve " land or bush, the boundaries of which are unmarked (*cika*).

Village land rarely stretches more than three miles from the village. Small individual plots (*bucá*) are mainly near the village; larger family plots of 12–16 acres (*efakó*) are generally farther afield. Family plots do not all lie near together. Land is not fenced except on the marshland plots near Kacha.

No fruit trees on village land may be cut down without the permission of the head, who has a special right to all fruit-bearing trees. Shea-nut trees on vacant land are common property, and women collect the fruit and share it. Shea-nut trees on occupied farmland belong to the owner of the farm. Farm plots in the village itself are owned by the people living in the compound adjoining the plot; they are apportioned and inherited within the houses and never left uncultivated.[20]

Tenure of fishing pools is important among riverain groups. Among the Batači every pool has a name and a specific owner. A pool may be owned by the village collectively or by an individual or it may be attached to a title and change ownership with it. Pools owned by individuals can be inherited. Rents are fixed by custom and do not vary from year to year; yearly fishing rights may be bought by individuals.[21] Strangers in Kede district seek formal permission to fish from the *Kuta*, through the village head in whose area they settle. The period of settlement varies from a few months to about three years, but there is no permanent settle-
[43] ment. Presents of fish may be made to the village head and the *Kuta*, or strangers'
65] tax paid to the Bida Treasury.[22]

[20] Nadel, 1942, pp. 180–204; Temple, 1919, p. 331.

[21] Prices given in the appendix to the Notes on Kede District (1950) vary between 2s. 6d. and £2.

[22] Notes on Kede District, 1950.

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either case, the dominion of the Kede delegate would stretch some way up and down the river, comprising hamlets and villages on (formerly) both banks. The 'native' villagers live under their own chief and elders, and are on the whole left to themselves, except for the political obligations towards the Kede rulers. In the carrying out of these obligations (to be examined presently), village chief and elders become mere subordinates of the Kede government. The Kede families, on the other hand, which live in the district of the delegate are his subjects in a different sense. They too have their obligations towards the government which he represents. But they share to some extent his privileged official position *vis-à-vis* the 'natives' of the country. The family heads of these Kede families assume certain titles in Nupe fashion, which are to mark them as 'elders' of their community. In this case, however, these are not the usual village ranks, nor are they *tici nya Kuta* ('ranks of the *Kuta*'), but are of the order of personal or 'household' ranks, which the Kede delegate may confer upon the family heads in 'his' town.

The official duties of the delegate relate to the three main concerns of Kede administration. He is charged with the collection of taxes on behalf of the Kede chief, the maintenance of law and order in the districts, and he finally acts as the agent of the chief in all matters requiring concerted action of the tribe as a whole. The first two duties have undergone but comparatively minor changes under modern administration. The last duty, the most important aspect of which used to be contribution to the fighting expeditions of the tribe, is reduced to-day to such relatively irrelevant activities as the arrangement of the periodical tours of inspection through Kede country of the Kede chief or the District Officer.

Taxation. The present system of taxation is based on an income tax on sliding scale, assessed among the Kede on the basis of the number of canoes owned. The tax is collected locally by the official Village Head, and is then transmitted by the District Head to the Native Administration Treasury in Bida. For Kede District read *delegate* for Village Head (a certain number of Kede 'delegates' having been made Village Heads under the Native Administration), and *Kuta* for District Head—in all other respects taxation among the Kede is the same as in the inland districts of the Emirate. This was not so in pre-British times. The *kintsozi* villages,

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like the other inland villages of Nupe, paid a certain annual money tax, assessed per village, which was collected by the *Kuta* and his delegates on behalf of the King of Nupe. The tax which the Kede themselves paid, on the other hand, was of two kinds: first, there was the tax proper, paid locally, at the village to which one belongs. It was an income tax in the modern sense, consisting in a percentage of the money income of every canoe-owner (i.e. profits from trade and transport). Second, there was the *albarka* (lit. 'blessing'), a tribute voluntary but in name, which canoe-owners were expected to pay to the delegates at whose place they were stopping and doing business. The tribute varied in amount: in Jebba it amounted to a 10 per cent., in Muregi to a 20 per cent. duty on all goods bought and sold. Failure to pay meant forfeiting the permission to call and trade in the district. The delegate returned to the *Kuta* half of his revenue from the tax proper, and one-fifth of the revenue from the *albarka*. The *Kuta*, in turn, handed about one-fifth of his total tax revenue (including tax on his private trade and canoe profits) to the *Etsu* in Bida.

Jurisdiction. The modern system provides for a professional Mohammedan judge (*Alkali*), who holds court in Muregi, and to whom all legal cases from the district have to be submitted. Native Administration police assist him on the executive side. The courts in the capital, Bida, are higher courts and courts of appeal for Kede as for all other districts of the Emirate. Under the new system, chief and delegate are allowed no judicial and only a limited executive authority.

In pre-British Nupe the maintenance of law and order devolved in different degree upon all existing political authorities, the local delegate, the Kede chief, and the Emir of Nupe, in accordance with the nature of the offence. The local delegate could only deal with very minor offences of the kind which involves no restitution and only domestic punishment, if any. All other aspects of public security were regarded as being of direct concern to the State—Kede or Nupe. Even the smallest theft came before the *Kuta* in Muregi; adultery, litigation about bride-price or inheritance similarly fell under his jurisdiction. Certain major crimes, on the other hand, were under the jurisdiction of the King of Nupe himself. The list of these 'crimes of the king' (as they are still called) comprises: highway robbery (including robbery on the river